

109TH CONGRESS
1ST SESSION

H. R. 2763

To authorize the Director of the Centers for Disease Control and Prevention to make grants to local educational agencies to support the purchase or lease and use of vending machines that offer for sale healthy foods and beverages in schools.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2005

Mrs. CAPPS introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Director of the Centers for Disease Control and Prevention to make grants to local educational agencies to support the purchase or lease and use of vending machines that offer for sale healthy foods and beverages in schools.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited at the the “Student Nutrition
5 and Health Act”.

1 **SEC. 2. GRANTS FOR PROCUREMENT AND USE OF QUALI-**
2 **FIED VENDING MACHINES IN SCHOOLS.**

3 (a) GRANTS AUTHORIZED.—The Director of the Cen-
4 ters for Disease Control and Prevention may make grants
5 to local educational agencies for the purpose of assisting
6 such agencies—

7 (1) to purchase or lease qualified vending ma-
8 chines for placement in elementary and secondary
9 schools for the use of students of such schools; and

10 (2) to offset any loss of revenue incurred by the
11 local educational agency as a result of offering for
12 sale healthy foods and beverages in qualified vending
13 machines.

14 (b) REMOVAL OF OTHER VENDING MACHINES AND
15 USE OF QUALIFIED VENDING MACHINES.—As a condition
16 for receiving a grant under subsection (a), the local edu-
17 cational agency shall agree—

18 (1) to remove any vending machines that offer
19 for sale foods and beverages of minimal nutritional
20 value from each elementary or secondary school
21 under its jurisdiction in which qualified vending ma-
22 chines will be placed using the grant funds; and

23 (2) to use only qualified vending machines in
24 such school for such period as the Director may pre-
25 scribe.

1 (c) MAXIMUM PORTION SIZES.—As a further condi-
2 tion for receiving a grant under subsection (a), the local
3 educational agency shall ensure that foods and beverages
4 offered for sale in qualified vending machines will be lim-
5 ited to the following maximum portion sizes:

6 (1) One and one-quarter ounces for crackers,
7 popcorn, cereal, trail mix, nuts, seeds, dried fruit, or
8 jerky.

9 (2) Two ounces for cereal bars.

10 (3) Three ounces for bakery items, including
11 muffins.

12 (4) Three fluid ounces for frozen desserts.

13 (5) Eight ounces for non-frozen yogurt.

14 (6) Twelve ounces for beverages, excluding
15 water.

16 (7) Entree items and side dishes shall be no
17 larger than the portions of those foods served as
18 part of the Federal school meal program.

19 (d) APPLICATIONS.—To apply for a grant under this
20 section, a local educational agency shall submit an applica-
21 tion to the Director at such time, in such manner, and
22 containing such information as the Director may require.
23 A local educational agency may submit a new application
24 for the purpose of applying to receive continuing grants
25 for the purpose described in subsection (a)(2).

1 (e) DEFINITIONS.—In this Act:

2 (1) FOODS AND BEVERAGES OF MINIMAL NU-
3 TRITIONAL VALUE.—The term “foods and beverages
4 of minimal nutritional value” means a food or bev-
5 erage item which provides less than five percent of
6 the Reference Daily Intake (RDI) for protein, vita-
7 min A, vitamin C, niacin, riboflavin, thiamin, cal-
8 cium, or iron per serving.

9 (2) HEALTHY FOODS AND BEVERAGES.—

10 (A) The term “healthy foods and bev-
11 erages” means any food or beverage item that
12 derives—

13 (i) 30 percent or less of its total cal-
14 ories from fat;

15 (ii) 10 percent or less of its total cal-
16 ories from saturated fat and trans fat; and

17 (iii) 35 percent or less of its total cal-
18 ories from sugars, excluding those sugars
19 occurring naturally in fruits, vegetables,
20 and dairy products.

21 (B) The term “healthy foods and bev-
22 erages” includes nuts, seeds, and flavored fluid
23 milk.

24 (3) LOCAL EDUCATIONAL AGENCY.—The term
25 “local educational agency” has the meaning given

1 such term in section 9101 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 7801).

3 (4) QUALIFIED VENDING MACHINE.—The term
4 “qualified vending machine” means a vending ma-
5 chine that offers for sale only healthy foods or bev-
6 erages.

7 (5) SCHOOL.—The term “school” means any el-
8 ementary school (as defined by section 9101 of the
9 Elementary and Secondary Education Act of 1965
10 (20 U.S.C. 7801)) and any secondary school (as de-
11 fined by such section).

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Director
14 \$100,000,000 for each of the fiscal years 2006 through
15 2010 to carry out this section. Amounts so appropriated
16 shall remain available until expended.

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